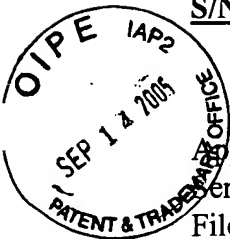


S/N 10/661,094

PATENT



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant:	Kirsty Jane Dodgson	Examiner:	Ja-Na A Hines
Serial No.:	10/661,094	Group Art Unit:	1645
Filed:	September 12, 2003	Docket:	875.092US1
Title:	METHOD AND KIT FOR IDENTIFYING VANCOMYCIN-RESISTANT ENTEROCOCCUS		

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**INFORMATION DISCLOSURE STATEMENT**

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

In compliance with the duty imposed by 37 C.F.R. § 1.56, and in accordance with 37 C.F.R. §§ 1.97 *et. seq.*, the enclosed materials are brought to the attention of the Examiner for consideration in connection with the above-identified patent application. Applicant respectfully requests that this Information Disclosure Statement be entered and the documents listed on the attached Form 1449 be considered by the Examiner and made of record. Pursuant to the provisions of MPEP 609, Applicant requests that a copy of the 1449 form, initialed as being considered by the Examiner, be returned to the Applicant with the next official communication.

Several of the documents, listed on the attached 1449, were discovered as a result of a Search Report in Applicant's corresponding foreign patent application. Enclosed for the Examiner's information are copies of the Search Report and the cited foreign patent publication, with the exception of WO 01/23604A2. Applicant is submitting a computer readable diskette containing WO 01/23604A2 (a 1,580 page document).

Pursuant to 37 C.F.R. §1.97(b), it is believed that no fee or statement is required with the Information Disclosure Statement. However, if an Office Action on the merits has been mailed, the Commissioner is hereby authorized to charge the required fees to Deposit Account No. 19-0743 in order to have this Information Disclosure Statement considered.

INFORMATION DISCLOSURE STATEMENT

Serial No :10/661,094

Filing Date: September 12, 2003

Title: METHOD AND KIT FOR IDENTIFYING VANCOMYCIN-RESISTANT ENTEROCOCCUS

Page 2

Dkt: 875.092US1

Pursuant to 37 C.F.R. 1.98(a)(2), Applicant believes that copies of cited U.S. Patents and Published Applications are no longer required to be provided to the Office. Notification of this change was provided in the United States Patent and Trademark Office OG Notices dated October 12, 2004. Thus, Applicant has not included copies of any US Patents or Published Applications cited with this submission. Should the Office require copies to be provided, Applicant respectfully requests that notice of such requirement be directed to Applicant's below-signed representative. Applicant acknowledges the requirement to submit copies of foreign patent documents and non-patent literature in accordance with 37 C.F.R. 1.98(a)(2).

The Examiner is invited to contact the Applicant's Representative at the below-listed telephone number if there are any questions regarding this communication.

Respectfully submitted,

KIRSTY JANE DODGSON

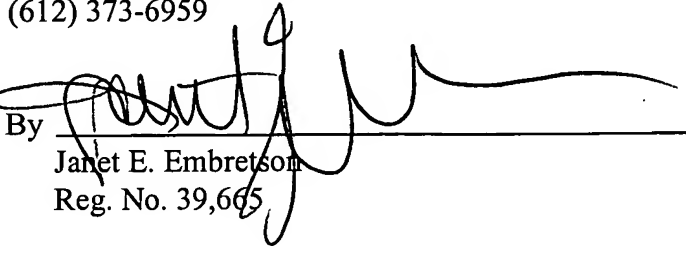
By his Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.  
P.O. Box 2938  
Minneapolis, MN 55402  
(612) 373-6959

Date

September 12, 2005

By

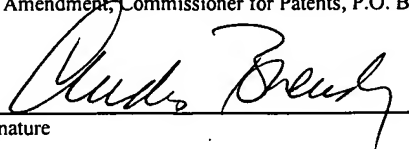
  
Janet E. Embretson  
Reg. No. 39,665

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 12 day of September, 2005.

Name

CANDIS BUENDING

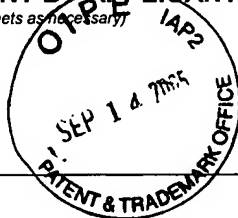
Signature



Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)



Complete if Known

Application Number	10/661,094
Filing Date	September 12, 2003
First Named Inventor	Dodgson, Kirsty
Group Art Unit	1645
Examiner Name	Hines, Ja-Na

Sheet 1 of 2

Attorney Docket No: 875.092US1

**US PATENT DOCUMENTS**

Examiner Initial *	USP Document Number	Publication Date	Name of Patentee or Applicant of cited Document	Filing Date If Appropriate
	US-2002/0055101 A1	05/09/2002	Bergeron, M. G., et al.	12/01/1999
	US-2003/0049636 A1	03/13/2003	Bergeron, M. G., et al.	11/20/2001
	US-5,030,557	07/09/1991	Hogan, J. J., et al.	11/24/1987
	US-6,001,564	12/14/1999	Bergeron, M. G., et al.	09/11/1995
	US-6,274,316	08/14/2001	Modrusan, Z. D.	07/02/1998
	US-6,376,186	04/23/2002	Hogan, J. J., et al.	05/03/2000

**FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Foreign Document No	Publication Date	Name of Patentee or Applicant of cited Document	T <sup>2</sup>
	JP-2002-507129 (w/ English Abstract)	03/05/2002	Modrusan, Z. D.	
	WO-99/01571A2	01/14/1999	Modrusan, Z. D.	
	WO-01/23604A2	04/05/2001	Bergeron, M. G., et al.	
	WO-2005/028679A2	03/31/2005	Dodgson, K. J.	

**OTHER DOCUMENTS -- NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		"Compositions and Methods for Detecting Vancomycin Resistance Enterococci by Cycling Probe Reactions", NCBI Sequence Viewer, Accession No. <u>BD135949</u> , (Observed July 30, 2003), 2 pgs.	
		"Compositions and Methods for Detecting Vancomycin Resistant Enterococci by Cycling Probe Reactions", NCBI Sequence Viewer, Accession No. <u>BD135948</u> , (Observed July 30, 2003), 2 pgs.	
		"Compositions and Methods for Detecting Vancomycin Resistant Enterococci by Cycling Probe Reactions", NCBI Sequence Viewer, Accession No. <u>BD135947</u> , (Observed July 30, 2003), 2 pgs.	
		"Compositions and Methods for Detecting Vancomycin Resistant Enterococci by Cycling Probe Reactions", NCBI Sequence Viewer, Accession No. <u>BD135946</u> , (Observed July 30, 2003), 2 pgs.	
		"Compositions and Methods for Detecting Vancomycin Resistant Enterococci by Cycling Probe Reactions", NCBI Sequence Viewer, Accession No. <u>BD135944</u> , (Observed July 30, 2003), 2 pgs.	
		"E.faecium plasmid piP816 vanA gene for VANA ligase", NCBI Sequence Viewer, Accession No. <u>X56895</u> , (Observed July 30, 2003), 2 pgs.	

**EXAMINER****DATE CONSIDERED**

Substitute Disclosure Statement Form (PTO-1449)

\* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 809. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional) <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached

Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Complete if Known

<b>Application Number</b>	10/661,094
<b>Filing Date</b>	September 12, 2003
<b>First Named Inventor</b>	Dodgson, Kirsty
<b>Group Art Unit</b>	1645
<b>Examiner Name</b>	Hines, Ja-Na

Sheet 2 of 2

Attorney Docket No: 875.092US1

**OTHER DOCUMENTS -- NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		"E.faecium vanB2, VanHB2 and vanXB2 genes.", NCBI Sequence Viewer, Accession No. Z83305, (Observed August 4, 2003), 3 pgs.	
		"Enterococcus faecalis VANB gene sequence.", NCBI Sequence Viewer, Accession No. L06138, (Observed July 30, 2003), 1 pg.	
		"Enterococcus faecalis vanB gene, complete cds.", NCBI Sequence Viewer, Accession No. U00456, (Observed July 30, 2003), 2 pgs.	
		"Enterococcus faecium strain AJ07 vancomycin resistance gene cluster, partial sequence.", NCBI Sequence Viewer, Accession No. AF302186, (Observed July 30, 2003), 2 pgs.	
		"Enterococcus faecium vancomycin resistance protein B (vanB) gene, partial cds.", NCBI Sequence Viewer, Accession No. U94528, (Observed July 30, 2003), 2 pgs.	
		"Enterococcus faecium vancomycin resistance protein B (vanB) gene, partial cds.", NCBI Sequence Viewer, Accession No. U94526, (Observed July 30, 2003), 2 pgs.	
		"International Search Report for corresponding PCT Application No. PCT/US2004/029602", (Attorney Docket No. 875.092WO1), (April 19, 2005), 5 pgs.	
		"Tools - Real Time PCR", The Scientist, 11(23), <a href="http://www.the-scientist.com/yr1997/nov/tools1_971124.html">http://www.the-scientist.com/yr1997/nov/tools1_971124.html</a> , ((Observed July 14, 2003)), 2 pgs	
		ALTSCHUL, S. F., et al., "Gapped BLAST and PSI-BLAST: A New Generation of Protein Database Search Programs", <u>Nucleic Acids Research</u> , 25(17), (1997), 3389-3402	
		PATEL, R., et al., "Multiplex PCR Detection of <i>vanA</i> , <i>vanB</i> , <i>vanC</i> -1, and <i>vanC</i> -2/3 Genes in Enterococci", <u>Journal of Clinical Microbiology</u> , 35 (3), (1997), 703-707	
		PETRICH, A. K., et al., "Direct Detection of <i>vanA</i> and <i>vanB</i> Genes in Clinical Specimens for Rapid Identification of Vancomycin Resistant Enterococci (VRE) using Multiplex PCR", <u>Molecular and Cellular Probes</u> , 13(4), (1999), 275-281	
		PETRICH, A., et al., "Effect of Routine Use of a Multiplex PCR for Detection of <i>vanA</i> - and <i>vanB</i> - Mediated Enterococcal Resistance on Accuracy, Costs and Earlier Reporting", <u>Diagnostic Microbiology and Infectious Disease</u> , 41, (2001), 215-220	
		SAHM, D. F., et al., "Rapid Characterization Schemes for Surveillance Isolates of Vanomycin-Resistant Enterococci", <u>Journal of Clinical Microbiology</u> , 35(8), (1997), 2026-2030	
		SATAKE, S., et al., "Detection of Vancomycin-Resistant Enterococci in Fecal Samples by PCR", <u>Journal of Clinical Microbiology</u> , 35(9), (1997), 2325-2330	

**EXAMINER****DATE CONSIDERED**

Substitute Disclosure Statement Form (PTO-1449)

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